

ORDINANCE NUMBER 2018-_____

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO CREATE A NEW PRUD OVERLAY ZONE IN TITLE 104, AND REPEAL THE EXISTING PRUD STANDARDS IN TITLE 108, MAKING A DECISION ON A PRUD DEVELOPMENT A LEGISLATIVE DECISION RATHER THAN AN ADMINISTRATIVE DECISION. ALSO DELETING PRUD AS A CONDITIONAL USE LISTED IN VARIOUS ZONES.

WHEREAS, the Board of Weber County Commissioners (herein "Board") has heretofore adopted land use regulations regarding the development of planned residential unit developments (herein "PRUD"), a conditional use in various zones; and

WHEREAS, the Board has determined that certain provisions in these regulations are not resulting in desired PRUD outcomes; and

WHEREAS, the Board is desirous to modify these regulations to offer more legislative discretion in PRUD decision making; and

WHEREAS, the Board has determined that more legislative discretion and development negotiation capabilities in PRUD decisions making will facilitate PRUD outcomes that better suit their communities; and

WHEREAS, after public hearing on June 27, 2018, the Ogden Valley Planning Commission offered the Board a positive recommendation for the attached ordinance amendments.

WHEREAS, after public hearing on July 10, 2018, the Western Weber Planning Commission offered the Board a positive recommendation for the attached ordinance amendments.

WHEREAS, the Board finds that the amendments found herein are in strict compliance with both the Ogden Valley General Plan and the Western Weber General Plan; and

WHEREAS, the Board finds that the amendments found herein will better achieve the desired outcomes, promote the general public welfare, and ease administration of the land use code.

NOW THEREFORE, the Board hereby adopts the modifications below and incorporates them into the Weber County Land Use Code

See Exhibit A (Clean Copy) and Exhibit B (Track Changes)

This ordinance shall become effective fifteen (15) days after publication.

PASSED, ADOPTED, AND ORDERED PUBLISHED THIS _____ DAY OF _____, 2018.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____,
James H. "Jim" Harvey, Chair

Commissioner Harvey voted _____
Commissioner Ebert voted _____
Commissioner Jenkins voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

1 **PART II – LAND USE CODE**

2 ...

3 **Title 101 – GENERAL PROVISIONS**

4 ...

5 **Sec. 101-1-7. – Definitions.**

6 ...

7 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its
8 height below grade. The portion below the natural grade shall not be counted as part of the building
9 height.

10 *Base density.* The term "base density" means the number of dwelling units allowed in an area. For
11 development types that permit a reduced lot area than otherwise provided by the zone, the base
12 density shall be calculated as the net developable acreage, as defined herein, divided by the minimum
13 lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan
14 Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used.
15 This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) =
16 base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

17 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner-occupied
18 dwelling in which not more than two rooms are rented out by the day, offering overnight lodgings to
19 travelers, and where one or more meals are provided by the host family, the price of which may be
20 included in the room rate.

21 ...

22 *Day care (child) home.* The term "day care (child) home" means an occupied residence where
23 care, protection, and supervision are provided to no more than eight children at one time, including the
24 caregiver's children under six years of age.

25 *Density, base.* See "base density."

26 *Detached lockout.* In the Ogden Valley Destination and Recreation Resort Zone, the term
27 "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-,
28 two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel),
29 private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels,
30 accessory dwelling units, and all or any portion of any other residential use, with separate or common
31 access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be
32 rented independently of the main unit for nightly rental by locking access. A detached lockout is
33 accessory to the main use and shall not be sold independently from the main unit. Unless specifically
34 addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]
35 Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density
36 on a parcel of land.

37 *Public.* The term "public" means buildings or uses owned or operated by a branch of the
38 government or governmental entity and open to the public, such as libraries, schools, parks, other than
39 private facilities.

40 *Public utility substation.* See "Utility."

41 *Qualified professional.* The term "qualified professional" means a professionally trained person
42 with the requisite academic degree, experience and professional certification or license in the field or
43 fields relating to the subject matter being studied or analyzed.

44
45 ...

46 **Title 102 – ADMINISTRATION**

47 **CHAPTER 1. - GENERAL PROVISIONS**

48 ...

49 **Sec. 102-1-5. - Reserved.**

50 ...

51 **Title 104 - ZONES**

52 ...

53 **CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20**

54 ...

55 **Sec. 104-3-5. - Conditional uses.**

56 The following uses shall be permitted only when authorized by a conditional use permit as provided in
57 title 108, chapter 4 of this Land Use Code:

58 ...

59 (3) Private park, playground or recreation grounds and buildings not open to the general public and
60 to which no admission is made but not including privately owned commercial amusement
61 business.

62 (4) Reserved.

63 (5) Public utility substation.

64 ...

65 **CHAPTER 5. - AGRICULTURAL ZONE A-1**

66 ...

67 **Sec. 104-5-6. - Conditional uses.**

68 The following uses shall be permitted only when authorized by a conditional use permit obtained as
69 provided in title 108, chapter 4 of this Land Use Code:

70 ...

(6) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.

(7) Reserved. (8) Private park, playground or recreation grounds and buildings not open to the general public and to which no admission charge is made, but not including private owned commercial amusement business.

...

CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

...

Sec. 104-6-5. - Conditional uses.

The following uses shall be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

...

(9) Petting zoo where accessed by a collector road as shown on the county road plan.

(10) Reserved.

(11) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.

...

CHAPTER 7. - AGRICULTURAL A-2 ZONE

...

Sec. 104-7-5. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

(12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

(13) Reserved.

(14) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.

...

CHAPTER 8. - AGRICULTURAL ZONE A-3

...

Sec. 104-8-5. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

103 ...

104 (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

105 (15) Reserved.

106 (16) Private park, playground or recreation area not open to the general public and to which no
107 admission charge is made, but not including privately owned commercial amusement business.

108 ...

109 **CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40**

110 ...

111 **Sec. 104-9-3. - Conditional uses.**

112 The following uses shall be permitted only when authorized by a conditional use permit obtained as
113 provided in this Land Use Code:

114 ...

115 (6) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber
116 County Excavation Ordinance.

117 (7) Reserved.

118 (8) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the
119 requirements of the Forest Campground Ordinance of Weber County. Dude ranches.

120 ...

121 **CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

122 ...

123 **Sec. 104-11-4. - Conditional uses.**

124 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as
125 provided in title 108, chapter 4 of this Land Use Code:

126 ...

127 (26) Travel agency.

128 (27) Reserved.

129 (28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a
130 night watchman provided that an additional 3,000 square feet of landscaped area is provided for
131 the residential use.

132 ...

133

Sec. 104-11-6. - Minimum overall project development area, width and yard regulations.

- (a) *Area.* The following minimum overall project development area is required for the uses specified, but never less than two and half acres:

USE	AREA
Condominium rental apartment or other lodging use that provides nightly or longer lodging:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Dwelling unit, if approved as part of a PRUD overlay zone:	7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.
Lockout sleeping room:	500 square feet of overall net developable area.
Other uses:	None.

- (b) *Width.* 150-foot minimum overall project development width is required, as measured at the yard setback and the street frontage.

- (c) *Yard setbacks.* The minimum yard setbacks from the overall project development boundary are as follows:

YARD	SETBACK
Front:	30 feet
Side:	20 feet minimum, except as otherwise required by this or any other county ordinance.
Rear:	20 feet minimum, except as otherwise required by this or any other county ordinance.

- (d) *Building height.* The maximum height for a building shall be 50 feet.

...

CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10

...

Sec. 104-12-3. - Conditional uses.

146 The following uses shall be permitted only when authorized by a conditional use permit as provided in
147 title 108, chapter 4 of this Land Use Code:

148 (1) Educational/institutional identification sign.

149 (2) Reserved.

150 (3) Private park, playground or recreation area, but not including privately owned commercial
151 amusement business.

152 ...

153 **CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1**

154 ...

155 **Sec. 104-13-3. - Conditional uses.**

156 The following uses shall be permitted only when authorized by a conditional use permit obtained as
157 provided in title 108, chapter 4 of this Land Use Code:

158 ...

159 (7) Parking lot accessory to uses permitted in this zone.

160 (8) Reserved.

161 (9) Private park, playground or recreation area, but not including privately owned commercial
162 amusement business.

163 ...

164 **CHAPTER 14. - FOREST VALLEY ZONE FV-3**

165 ...

166 **Sec. 104-14-3. - Conditional uses.**

167 The following uses shall be permitted only when authorized by a conditional use permit obtained as
168 provided in title 108, chapter 4 of this Land Use Code:

169 ...

170 (9) Parking lot accessory to uses permitted in this zone.

171 (10) Reserved.

172 (11) Private park, playground or recreation area, but not including privately owned commercial
173 amusement business.

174 ...

175 **CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2**

176 ...

177 **Sec. 104-15-3. - Conditional uses.**

178 The following uses shall be permitted only when authorized by a conditional use permit as provided in
179 title 108, chapter 4 of this Land Use Code.

180 ...

181 (2) Educational/institutional identification signs.

182 (3) Reserved.

183 (4) Private park, playground, or recreation area, but not including privately owned commercial
184 amusement business.

185 ...

186 **CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

187 ...

188 **Sec. 104-16-3. - Conditional uses.**

189 The following uses shall be permitted only when authorized by a conditional use permit as provided in
190 title 108 of this Land Use Code.

191 ...

192 (7) Nursing home.

193 (8) Reserved.

194 (9) Private park, playground, or recreation area, but not including privately owned commercial
195 amusement business.

196 ...

197 **CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3**

198 ...

199 **Sec. 104-17-3. - Conditional uses.**

200 The following uses shall be permitted only when authorized by a conditional use permit obtained as
201 provided in title 108, chapter 4 of this Land Use Code:

202 ...

203 (7) Nightly rental.

204 (8) Reserved.

205 (9) Private park, playground and/or recreation area, but not including privately owned commercial
206 amusement business.

207 ...

208 **CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

209 ...

210 **Sec. 104-19-2. - Permitted uses.**

211 The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:

212 (1) Accessory building incidental to the use of a main building; main building designed or used to
213 accommodate the main use to which the premises are devoted; and accessory uses customarily
214 incidental to a main use.

215 (2) Manufactured home (double wide or wider) in an approved manufactured home subdivision. A
216 single wide with or without a room expansion or extension is prohibited.

217 (3) Temporary building or use incidental to construction work. Such building shall be removed within
218 six months upon completion or abandonment of the construction work.

219 **Sec. 104-19-3. - Conditional uses.**

220 (a) Manufactured home subdivision in accordance with the site development standards prescribed by the
221 Weber County Subdivision Ordinance.

222 (b) Reserved.

223 (c) Public utility substations.

224 **Sec. 104-19-4. - Site development standards.**

225 The following site development standards apply to the Residential Manufactured Home Zone
226 RMH-1-6:

227 (1) Minimum area: Four acres for manufactured home subdivision.

228 ...

229 **Sec. 104-19-5. - Special provisions for manufactured home subdivisions.**

230 (a) Each manufactured home must have wheels and tow tongue removed and must be placed on and
231 anchored to a permanent concrete foundation constructed to county standards.

232 (b) There shall be two off-street parking spaces provided on the same lot with each manufactured home.
233 Said spaces shall be located in an area that could be covered by a carport or within which a garage
234 could legally be built. Required parking spaces may be in tandem but may not be located in the front
235 yard setback.

236 (c) No manufactured home containing less than 600 square feet of habitable floor area shall be permitted
237 to be located in a manufactured home subdivision.

238 (d) Each manufactured home shall be skirted either with a plastered concrete foundation, decorative
239 masonry, concrete block, aluminum or a continuation of the facing material of the manufactured home.

240 (e) A land use permit and a building permit shall be required before a manufactured home is located on a
241 lot in a manufactured home subdivision.

242 (f) Each manufactured home shall meet construction standards as defined herein and as specified by the
243 Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

244 ...

245 **CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

246 ...

247 **Sec. 104-29-2. - Development standards.**

248 ...

249 (j.) *Alternative development standards.* After recommendation from the planning commission, the county
250 commission may approve alternative development standards than those found in this section provided
251 the alternative standards are part of a legislatively approved development agreement with a master
252 plan and assist with the implementation of the agreement or master plan.

253 **...Sec. 104-29-8. - Land uses.**

Use	Permitted (P) Conditional (C)
...	
Cluster subdivision excluding bonus density; meeting the requirements of <u>title 108</u> , chapter 3	P
Welcome/information center	P
...	

254 ...

255 **CHAPTER 27. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE.**

256 **Sec. 104-27-1. - Definitions.**

257 When used in this chapter, the following words and phrases have the meaning ascribed to them in this
258 section, unless the context indicates a different meaning:

259 *Common open space.* The phrase “common open space” means land area in a planned residential
260 unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and
261 driveway areas for common use and enjoyment of the residents of the PRUD.

262 *Common open space easement.* The phrase “common open space easement” means a required right
263 of use granted to the county by the owner of a planned residential unit development, on and over land in a
264 planned residential unit development designated as common open space, which easement guarantees to
265 the county that the designated common open space is permanently reserved for access, parking and
266 recreation and open green space purposes in accordance with the plans and specifications approved by
267 the planning commission and county commission at the time of approval of the PRUD overlay zone or as
268 such plans are amended from time to time with the approval of the county commission.

269 *Planned residential unit development (PRUD).* The phrase “planned residential unit development”
270 means a development in which the regulations of the zone, in which the development is situated, are waived
271 to allow flexibility and innovation in site, building design and location in accordance with an approved overall
272 development plan and imposed general requirements.

273 **Sec. 104-27-2. - Purpose and intent.**

274 (a) A planned residential unit development (PRUD) overlay zone is intended to allow a legislatively
275 adopted overlay zone that provides for diversification in the relationship of various uses and structures
276 to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to
277 encourage new and innovative concepts in the design of neighborhood and housing projects in
278 urbanizing areas. To this end, the development should be planned and entitled as one complete land
279 development. Phasing of the complete land development may occur over time if approved by the
280 county commission and if in compliance with the entitlements of the complete land development.

281 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,
282 after recommendation from the planning commission, the county commission may allow deviations
283 from the purpose and intent of the underlying zone if a proposed PRUD substantially advances the
284 implementation of a significant and meaningful general plan goal, principle, and implementation
285 strategy. Unless specified otherwise in the development agreement or overall development plan,
286 development of a PRUD shall adhere to the applicable regulations and other provisions of this Land
287 Use Code.

288 (c) The county commission may apply any condition of approval reasonably necessary to advance the
289 directives of the general plan or to promote the public health, safety, and general welfare whilst being
290 conscientious of unduly inhibiting the advantages of simultaneously planning large acreages of land
291 in advance of what would otherwise likely be a less organized development pattern of multiple smaller
292 scale developments.

293 (d) If any provision of an approved PRUD overlay zone or related development agreement creates an
294 explicit conflict with any other part of this Land Use Code, the applicability of those other provisions
295 shall be modified to the minimum extent that enables the PRUD overlay zone provisions to apply. An
296 omission from a PRUD overlay zone shall not be construed to be an implicit conflict with any other part
297 of this Land Use Code.

298 **Sec. 104-27-3. - Applicability.**

299 (a) *Effective date.* Except as specified in subsections (c) and (d) of this section, this chapter shall apply to
300 all properties for which the owner submits an application for PRUD approval on or after March 20,
301 2018.

302 (b) *Allowed zones.* A planned residential unit development overlay zone may only be considered in the
303 following zones:

- 304 (1) Residential estates zones;
- 305 (2) Agricultural and agricultural valley zones;
- 306 (3) Forest, forest residential, and forest valley zones;
- 307 (4) Single-family, two-family and three-family residential zones;
- 308 (5) Commercial valley resort recreation zone; and
- 309 (6) Residential manufactured home zone.
- 310 (c) *Nonconforming PRUD*. A PRUD for which an application was submitted prior to the date specified in
- 311 subsection (a) of this section is hereby a nonconforming PRUD. A nonconforming PRUD may be
- 312 amended from time to time under the same rules that governed its creation, provided that the
- 313 amendment is a de minimis change that is routine and uncontested. The Planning Director or the
- 314 Planning Commission has independent authority to determine what constitutes a routine and
- 315 uncontested de minimus decision. If it is determined to not be routine or uncontested then the applicant
- 316 shall pursue PRUD overlay zone approval pursuant to this chapter.
- 317 (d) *Previously existing development agreements*. Nothing in this chapter shall be construed to inhibit the
- 318 entitlements of an approved development agreement executed prior to the date specified in subsection
- 319 (a) of this section.

320 **Sec. 104-27-4. – Application requirements.**

- 321 (a) An application for a PRUD overlay zone and development agreement shall be submitted to the
- 322 Planning Division on a form provided by the Planning Division, together with all accompanying
- 323 documents, plans, and studies required by this chapter. The application shall contain authorization
- 324 from all owners of land within the property's legal description. The following are the minimum
- 325 requirements necessary to submit a complete application:
- 326 (1) An overall development plan, complying with the requirements of Section 104-27-5, including the
- 327 following:
- 328 a. A map of the general configuration of the development, together with land tabulations
- 329 detailing the proposed uses of land for all areas of the project, and proposed lot or parcel
- 330 development standards;
- 331 b. An open space preservation plan, showing proposed uses and parcel development
- 332 standards;
- 333 c. A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;
- 334 d. Areas reserved for public uses such as schools and playgrounds, landscaping, recreational
- 335 facilities, if applicable;
- 336 e. Proposed architectural design standards, including drawings and sketches demonstrating
- 337 the proposed design, character, features, and color palette of the proposed development;
- 338 f. If in a natural hazards study area or a known natural hazard is present onsite, the application
- 339 shall include a natural hazards map;
- 340 g. Any proposed mappable voluntary contributions, including those proposed in pursuit of
- 341 density bonuses; and

- f. A development phasing plan, if applicable.
- (2) A narrative clearly explaining the desired development. The narrative shall also clearly address the considerations listed in Section 104-27-5.
- (3) A list of development commitments the applicant is prepared to make with the county, and a list detailing what the development needs from the county. This list will be the initial basis for development agreement negotiation.
- (4) Base density calculations, and a tabulation and explanation of requested bonus density.
- (5) The legal description for all properties to be included in the overlay zone and development agreement, together with a general vicinity map of the rezone extents.
- (6) Additional information as may be necessary to determine that the contemplated arrangement of uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under the land use code.
- (b) An application fee shall be paid at the time of application submittal.

Sec. 104-27-5. - General requirements.

- (a) *Rezone and development agreement required.* Approval of a PRUD overlay zone shall follow the provisions and requirements specified herein in addition to the rezone provisions of Title 102, Chapter 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual agreement between the developer and the county shall be prepared and readied for execution upon or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly document the county's roles and responsibilities to the developer and the developer's roles and responsibilities to the county, and shall, at a minimum, provide any other provision necessary to effectively execute the flexible provisions of this chapter, or any other provision as may be required by the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle approval of a PRUD overlay zone or associated development agreement.
- (b) *Overall development plan.* The development agreement shall include an overall development plan detailing the proposed development as specified herein. No changes or alterations to the approved overall development plan shall be made without first obtaining an amendment to the development agreement, except for landscaping as provided in subsection (c) of this section. The overall development plan shall provide a desirable layout or, if the specific layout is to be determined later, desirable standards for the following:
- (1) *Cluster development.* All subdivisions within a PRUD overlay zone shall comply with Title 108, Chapter 3, Cluster Subdivisions, except those lot development standards as listed in subsection (4) of this section. The overall development plan shall demonstrate that the development can feasibly comply with the cluster subdivision requirements. Specific deviations from the cluster subdivision requirements may be granted by the county commission, after recommendation from the planning commission, if the deviation offers a better community outcome or better contributes to the implementation of a significant and meaningful general plan goal, principle, or implementation strategy.
- (2) *Land use configuration.* The overall development plan shall show the general locations of proposed land uses including open space areas, and offer a land use inventory specifying approximate land acreage per use.
- (3) *Street configuration.* The overall development plan shall show, at a minimum, the general location of existing or proposed streets in the development. Streets shall offer efficient and convenient

connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of use, and navigation throughout the development. Streets shall offer prioritization of non-motorized transportation. The overall development plan shall show general location of streets stubbing into an adjacent property in at least one location; and as otherwise required to comply with block-width or intersection distance requirements of this land use code. At least two points of access into the development are required if it contains more than 30 residences, or as otherwise required by the local fire or emergency services authorities.

(4) *Lot development standards.* The overall development plan shall propose lot or parcel area, lot or parcel width, lot or parcel yard setbacks, lot or parcel coverage and building height regulations for all lots, parcels, and open space areas that will contain development or structures.

(5) *Architecture design.* The overall development plan shall provide the general architectural design of buildings and the design's relationship to the site and to development beyond the boundaries of the proposal.

(6) *Off street parking.* The overall development plan shall provide for complete off-street parking standards in the event that the parking standards of this land use code are insufficient. Parking areas shall offer prioritization of non-motorized transportation.

(7) *Lighting.* The overall development plan shall provide a lighting plan, or provisions for creating a lighting plan, that complies with all requirements of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is incorporated by reference herein as applicable to a cluster subdivision in the Western Weber Planning Area.

(8) *Natural hazards and other constraints.* The overall development plan shall show consideration for natural hazards and other environmental constraints, such as floodplains, wetlands, waterways, sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if the site is located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard Areas, or if other environmental constraints exist onsite, a natural hazards map and environmental constraints map, if applicable, shall be included as part of the overall development plan submittal.

(c) *Landscaping plan.* The development agreement shall include a landscaping plan that meets or exceeds the landscaping requirements found elsewhere in this land use code.

(1) The landscape requirements of the Ogden Valley architectural, landscape, and screening design standards, Title 108, Chapter 2, are hereby incorporated herein and applicable in all PRUD overlay zones.

(2) No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion of the phase represented by the dwelling, may be released.

(3) Application of the development agreement's landscape plan may be modified during the land use permit or building permit review process provided a more site-specific landscape plan is submitted with the site plan and is stamped by a licensed landscape architect, who shall certify the following:

a. That the area of landscaping exceeds the approved landscape plan;

b. That the number and quality of plants exceed the approved landscape plan;

c. That the functional use of vegetation, such as shade from trees or site-screening from bushes, meet or exceed relevant landscaping requirements of the land use code and the intent of the approved landscape plan; and

- d. That the portion of landscaping per phase exceeds the portions per phase of the approved plan.

Sec. 104-27-6. - Use permissions and prohibitions.

- (a) *General uses.* All uses specified in the underlying zone are allowed in a PRUD, unless specifically prohibited in the development agreement.
- (b) *Other small-scale service uses.* If a PRUD contains 100 dwelling units or more, other uses may be approved by the county commission, after receiving recommendation from the planning commission, provided that evidence demonstrates that those uses are necessary for the provision of small-scale local neighborhood services to the residents of the development and the immediate surrounding neighborhood. The county commission has legislative discretion to determine what a small-scale local neighborhood service is. The development agreement shall contain provisions for the proposed uses, ownership, operational characteristics, and physical design to assure compliance with this section.
- (c) *Nightly rentals.* Housing units to be used in whole or in part for nightly rentals shall only be allowed in neighborhoods that can support the transient use. Nightly rentals shall only be allowed when their existence substantially advances a general plan goal, principle, and implementation strategy. In the Western Weber Planning Area, nightly rentals require the owner of the property to reside and, for management purposes, be general available onsite for the duration of the nightly rental. PRUD developments that permit nightly rentals shall be clearly declared and provided for in the development agreement.

Sec. 104-27-7. - Area and residential density regulations.

- (a) *Area and base density.* A development in a PRUD overlay zone shall contain at least 24 dwelling units and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units, but the area shall never be less than four acres in any residential zone and ten acres in all other allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a minimum area of 100 acres and provides a common open space easement, as defined in Section 104-27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall memorialize and entitle the base density calculation.
- (b) *Bonus density.*
- (1) *Western Weber Planning Area bonus density.* After recommendation from the planning commission, the county commission may allow for an increased number of residential lots in a PRUD development by awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area in exchange for meaningful public offerings. No more than 50 percent total bonus density shall be awarded to any PRUD development.
- a. The following table offers a guide to assist in prioritizing bonus density based on a development's offerings. After recommendation from the planning commission, the county commission has legislative authority to determine final bonus density awarded. At the county commission's discretion, these may be in place of or in addition to the bonuses already available in the cluster subdivision code. Regardless, the development's offerings shall provide a public benefit proportionate to the final awarded bonus density. The development's bonus density offerings and the county's bonus density awards shall be clearly documented and tabulated in the development agreement:

OFFERING	BONUS DENSITY
<i>Roadway landscape design plan.</i> Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:	15 percent.
<i>Public access.</i> A minimum of one approved public access to public lands:	5 percent.
<i>HOA park.</i> An HOA park, open to the general public:	5 percent.
<i>Public park.</i> A park donated to and with the consent of the county, local park district, or other county approved entity:	10 percent.
<i>Public building.</i> Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:	10 percent.
<i>Excess sewer capacity.</i> Development of excess sewage treatment capacity:	3 percent for every 10 percent capacity increase over the development's base density.
<i>Prime agricultural land.</i> Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:	One percent per acre up to 50 percent.
<i>Historic preservation.</i> Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:	5 percent.
<i>Wildlife habitat open space easement.</i> A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:	15 percent.
<i>Small neighborhood commercial.</i> Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a PRUD development with 100 or more dwelling units.	10 percent.
<i>Affordable housing.</i> Affordable housing, in compliance with (1)b. of this subsection b.	10 Percent.

- 471
- 472 b. *Affordable housing bonus.* Base density may be increased by ten percent if the development
473 complies with the following:
- 474 1. The ten percent additional density is permanently set aside for affordable housing as
475 outlined by the Affordable Housing Act of 1990.
- 476 2. The additional density is located in the interior of the development, as central as is
477 practicable given site constraints, land uses, open spaces, and street configuration, and
478 is completely surrounded by other dwelling units within the development. Open space
479 may abut a part provided the open space is large enough to offer a sufficient buffer from
480 existing residential uses in the area. The building height is limited to 35 feet or two
481 stories above grade.
- 482 3. The development agreement shall offer an effective, efficient, and industry best-practice
483 supported method for guaranteeing and enforcing perpetual affordability. Any method
484 used, such as an affordable housing deed restriction, shall limit the sale or rental of the
485 affected lots and dwelling units to a household with an income at or below 80 percent
486 of the county median income;
- 487 4. A final subdivision plat shall identify and label a lot or dwelling unit set aside as an
488 affordable housing lot or dwelling unit, and provide a note on the final subdivision plat
489 explaining the nature of the housing restriction and the method by which occupancy
490 and affordability will be regulated.
- 491 (2) *Ogden Valley Planning Area bonus density.* A PRUD overlay zone should create no new density
492 entitlements in the Ogden Valley. A PRUD overlay zone may be designated as a receiving area
493 for transferrable development rights or a similar density transfer program. The development
494 agreement shall clearly specify the logistics of such a program.

495 ...

496 **Title 106 - SUBDIVISIONS**

497 ...

498 **CHAPTER 2. - SUBDIVISION STANDARDS**

499 ...

500 **Sec. 106-2-2. - Street and alley widths, cul-de-sacs, easements.**

- 501 (a) Street dedication. Streets in year round subdivisions shall be dedicated to the county as public streets
502 except that private streets improved to county public street standards may be permitted
503 in condominiums. Mountain land subdivisions in high mountain areas of the county for seasonal
504 recreation and summer homes shall have private streets built to county private street standards for
505 such subdivisions except that the county may require public dedication for major or loop road access
506 purposes.

507 ...

508 **Title 108 - STANDARDS**

509 ...

510 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

511 ...

512 **Sec. 108-3-4. –Residential cluster subdivision design and layout standards, generally.**

513 ...

514 (b) *Street configuration.* Streets shall have logical and efficient connections, with block lengths or
515 intersection distances no less than provided in Section 106-2-3.

516 (1) *Western Weber Planning Area Streets.* In the Western Weber Planning Area, streets shall
517 generally follow existing street grid design. Section line streets are mandatory unless, based on
518 the transportation element of the general plan and other plans or studies, the county engineer
519 determines that no street will ever be needed on the particular section line. When practicable,
520 quarter section lines shall denote the general location of other through streets. If current parcel
521 configuration does not make this practicable, a through-street, or stubbed-street that will be a
522 future through-street, shall be located as close to these lines as otherwise reasonably possible.

523 ...

524 **Sec. 108-3-5. - Open space preservation plan.**

525 ...

526 (c) *Open space development standards and ownership regulations.* All open space area proposed to
527 count toward the minimum open space area required by this chapter shall be clearly identified on the
528 open space site plan. The following standards apply to their creation. Open space area in excess of
529 the minimum required by this chapter is exempt from these standards.

530 ...

531 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
532 shall be arranged to create future long-term agricultural opportunities in the following ways:

533 ...

534 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
535 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
536 reach all parts of the area with three or more passes or turns. Generally, this requires the area
537 to be at least 450 wide in any direction at any given point to be considered contiguous. This
538 three turn standard may be reduced by the planning commission for portions of the parcel
539 affected by the following:

540 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
541 impossible;

542 2. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
543 would otherwise be one contiguous open space area if the street did not exist;

544 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
545 realigned, cause an interruption to crop producing capabilities; or

546 4. Due to existing or reasonably anticipated future conditions, not offering the reduction will
547 inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved
548 agricultural parcels.

549 ...

550 **CHAPTER 5. – RESERVED.**

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1 **PART II – LAND USE CODE**

2 ...

3 **Title 101 – GENERAL PROVISIONS**

4 ...

5 **Sec. 101-1-7. – Definitions.**

6 ...

7 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its
8 height below grade. The portion below the natural grade shall not be counted as part of the building
9 height.

10 *Base density.* The term "base density" means the number of dwelling units allowed in an area. For
11 development types that permit a reduced lot area than otherwise provided by the zone, the base
12 density shall be calculated as the net developable acreage, as defined herein, divided by the minimum
13 lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan
14 Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used.
15 This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) =
16 base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

17 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner-occupied
18 dwelling in which not more than two rooms are rented out by the day, offering overnight lodgings to
19 travelers, and where one or more meals are provided by the host family, the price of which may be
20 included in the room rate.

21 ...

22 *Day care (child) home.* The term "day care (child) home" means an occupied residence where
23 care, protection, and supervision are provided to no more than eight children at one time, including the
24 caregiver's children under six years of age.

25 *Density, base.* See "base density." ~~The term "base density" means the number of dwelling units~~
26 ~~allowed in an area. For development types that permit a reduced lot area than otherwise provided by~~
27 ~~the zone, the base density shall be calculated as the net developable acreage, as defined herein,~~
28 ~~divided by the minimum lot area of the zone, except when a greater area would otherwise be required~~
29 ~~by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, then the~~
30 ~~greater area shall be used. This calculation can be observed by this formula: ((net developable~~
31 ~~acreage) / (minimum lot area)) = base dwelling unit density. The result shall be rounded down to the~~
32 ~~nearest whole dwelling unit.~~

33 *Detached lockout.* In the Ogden Valley Destination and Recreation Resort Zone, the term
34 "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-,
35 two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel),
36 private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels,
37 accessory dwelling units, and all or any portion of any other residential use, with separate or common
38 access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be
39 rented independently of the main unit for nightly rental by locking access. A detached lockout is
40 accessory to the main use and shall not be sold independently from the main unit. Unless specifically
41 addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]

Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density on a parcel of land.

Public. The term "public" means buildings or uses owned or operated by a branch of the government or governmental entity and open to the public, such as libraries, schools, parks, other than private facilities.

Public utility substation. See "Utility."

Qualified professional. The term "qualified professional" means a professionally trained person with the requisite academic degree, experience and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

Title 102 – ADMINISTRATION

CHAPTER 1. - GENERAL PROVISIONS

Sec. 102-1-5. - Reserved. ~~Hearing and publication notice for county commission.~~

~~Before finally adopting any such legislative amendment, the board of county commissioners shall hold a public hearing thereon, at least 14 days' notice of the time and place of which shall be given as per state code. The unanimous vote of the full body of the county commission is required to overturn the recommendation of the planning commission, if there was a unanimous vote of the planning commission in favor or denial of the petition.~~

Title 104 - ZONES

CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

Sec. 104-3-5. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code:

- (3) Private park, playground or recreation grounds and buildings not open to the general public and to which no admission is made but not including privately owned commercial amusement business.

- (4) Reserved. ~~Planned residential unit development in accordance with title 108, chapter 5 of this Land Use Code.~~

(5) Public utility substation.

...

CHAPTER 5. - AGRICULTURAL ZONE A-1

...

Sec. 104-5-6. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code:

...

(6) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod.

(7) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

(8) Private park, playground or recreation grounds and buildings not open to the general public and to which no admission charge is made, but not including private owned commercial amusement business.

...

CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

...

Sec. 104-6-5. - Conditional uses.

The following uses shall be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

...

(9) Petting zoo where accessed by a collector road as shown on the county road plan.

(10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this Land Use Code.~~

(11) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.

...

CHAPTER 7. - AGRICULTURAL A-2 ZONE

...

Sec. 104-7-5. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code.

108 (12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

109 (13) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~
110 ~~Land Use Code.~~

111 (14) Private park, playground or recreation area not open to the general public and to which no
112 admission charge is made, but not including privately owned commercial business.

113 ...

114 **CHAPTER 8. - AGRICULTURAL ZONE A-3**

115 ...

116 **Sec. 104-8-5. - Conditional uses.**

117 The following uses shall be permitted only when authorized by a conditional use permit obtained as
118 provided in title 108, chapter 4 of this Land Use Code.

119 ...

120 (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

121 (15) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

122 (16) Private park, playground or recreation area not open to the general public and to which no
123 admission charge is made, but not including privately owned commercial amusement business.

124 ...

125 **CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40**

126 ...

127 **Sec. 104-9-3. - Conditional uses.**

128 The following uses shall be permitted only when authorized by a conditional use permit obtained as
129 provided in this Land Use Code:

130 ...

131 (6) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber
132 County Excavation Ordinance.

133 (7) ~~Reserved. Planned Residential Unit Development in accordance with this Land Use Code.~~

134 (8) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the
135 requirements of the Forest Campground Ordinance of Weber County. Dude ranches.

136 ...

137 **CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

138 ...

Sec. 104-11-4. - Conditional uses.

The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as provided in title 108, chapter 4 of this Land Use Code:

...

(26) Travel agency.

(27) ~~Reserved. Planned residential unit development (PRUD) as part of a recreation resort complex subdivision, where part of a PRUD in a recreation resort complex.~~

(28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use.

...

Sec. 104-11-6. - Minimum ~~lot~~ overall project development area, width and yard regulations.

(a) Area. The following minimum overall project development area is required for the uses specified, but never less than two and half acres:

<u>USE</u>	<u>AREA</u>
<u>Condominium rental apartment or other lodging use that provides nightly or longer lodging:</u>	<u>7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.</u>
<u>Dwelling unit, if approved as part of a PRUD overlay zone:</u>	<u>7,500 square feet of overall net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of overall net developable area for each dwelling unit in excess of two dwelling units per building.</u>
<u>Lockout sleeping room:</u>	<u>500 square feet of overall net developable area.</u>
<u>Other uses:</u>	<u>None.</u>

(b) Width. 150-foot minimum overall project development width is required, as measured at the yard setback and the street frontage.

(c) Yard setbacks. The minimum yard setbacks from the overall project development boundary are as follows:

<u>YARD</u>	<u>SETBACK</u>
-------------	----------------

<u>Front:</u>	<u>30 feet</u>
<u>Side:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>
<u>Rear:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>

(d) Building height. The maximum height for a building shall be 50 feet.

~~(a) Area. A minimum of a 2.5 acre site, with the following minimum area requirement for uses within that site:~~

~~(1) Condominium rental apartments, dwellings, multifamily dwellings, and/or other uses providing nightly or longer term lodging, per building 7,500 square feet of net developable area plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.~~

~~(2) Lockout sleeping room, 500 square feet.~~

~~(3) Other uses: none.~~

~~(b) Width: 150 feet minimum frontage.~~

~~(c) Yard.~~

~~(1) Front: 30 feet minimum.~~

~~(2) Side: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~

~~(3) Rear: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~

~~(d) Building height. Conditional use permit is required if over 25 feet in height.~~

...

CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10

...

Sec. 104-12-3. - Conditional uses.

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code:

(1) Educational/institutional identification sign.

(2) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this Land Use Code.~~

(3) Private park, playground or recreation area, but not including privately owned commercial amusement business.

183 ...

184 **CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1**

185 ...

186 **Sec. 104-13-3. - Conditional uses.**

187 The following uses shall be permitted only when authorized by a conditional use permit obtained as
188 provided in title 108, chapter 4 of this Land Use Code:

189 ...

190 (7) Parking lot accessory to uses permitted in this zone.

191 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
192 ~~Land Use Code.~~

193 (9) Private park, playground or recreation area, but not including privately owned commercial
194 amusement business.

195 ...

196 **CHAPTER 14. - FOREST VALLEY ZONE FV-3**

197 ...

198 **Sec. 104-14-3. - Conditional uses.**

199 The following uses shall be permitted only when authorized by a conditional use permit obtained as
200 provided in title 108, chapter 4 of this Land Use Code:

201 ...

202 (9) Parking lot accessory to uses permitted in this zone.

203 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of the Land~~
204 ~~Use Code.~~

205 (11) Private park, playground or recreation area, but not including privately owned commercial
206 amusement business.

207 ...

208 **CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2**

209 ...

210 **Sec. 104-15-3. - Conditional uses.**

211 The following uses shall be permitted only when authorized by a conditional use permit as provided in
212 title 108, chapter 4 of this Land Use Code.

213 ...

- 214 (2) Educational/institutional identification signs.
- 215 (3) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 of this~~
216 ~~Land Use Code.~~
- 217 (4) Private park, playground, or recreation area, but not including privately owned commercial
218 amusement business.

219 ...

220 **CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

221 ...

222 **Sec. 104-16-3. - Conditional uses.**

223 The following uses shall be permitted only when authorized by a conditional use permit as provided in
224 title 108 of this Land Use Code.

225 ...

- 226 (7) Nursing home.

- 227 (8) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 o this~~
228 ~~Land Use Code.~~

- 229 (9) Private park, playground, or recreation area, but not including privately owned commercial
230 amusement business.

231 ...

232 **CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3**

233 ...

234 **Sec. 104-17-3. - Conditional uses.**

235 The following uses shall be permitted only when authorized by a conditional use permit obtained as
236 provided in title 108, chapter 4 of this Land Use Code:

237 ...

- 238 (7) Nightly rental.

- 239 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

- 240 (9) Private park, playground and/or recreation area, but not including privately owned commercial
241 amusement business.

242 ...

243 **CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

244 ...

Sec. 104-19-2. - Permitted uses.

The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:

- (1) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (2) Manufactured home (double wide or wider) in an approved manufactured home subdivision. ~~of manufactured home PRUD. (A sSingle wides with or without a room expansions or extensions are is prohibited.)~~
- (3) Temporary building or use incidental to construction work. Such building shall be removed within six months upon completion or abandonment of the construction work.

Sec. 104-19-3. - Conditional uses.

- (a) Manufactured home subdivision in accordance with the site development standards prescribed by the Weber County Subdivision Ordinance.
- (b) ~~Reserved. Manufactured home PRUD in accordance with the site development standards and planned residential unit development chapter of this Land Use Code.~~
- (c) Public utility substations.

Sec. 104-19-4. - Site development standards.

The following site development standards apply to the Residential Manufactured Home Zone RMH-1-6:

- (1) Minimum area: ~~four acres for manufactured home PRUD.~~ Four acres for manufactured home subdivision.

...

Sec. 104-19-5. - Special provisions for manufactured home subdivisions ~~and PRUDs.~~

- (a) Each manufactured home must have wheels and tow tongue removed and must be placed on and anchored to a permanent concrete foundation constructed to county standards.
- (b) There shall be two off-street parking spaces provided on the same lot with each manufactured home. Said spaces shall be located in an area that could be covered by a carport or within which a garage could legally be built. Required parking spaces may be in tandem but may not be located in the front yard setback.
- (c) No manufactured home containing less than 600 square feet of habitable floor area shall be permitted to be located in a manufactured home subdivision.
- (d) Each manufactured home shall be skirted either with a plastered concrete foundation, decorative masonry, concrete block, aluminum or a continuation of the facing material of the manufactured home.
- (e) A land use permit and a building permit shall be required before a manufactured home is located on a lot in a manufactured home subdivision ~~or PRUD.~~

(f) Each manufactured home shall meet construction standards as defined herein and as specified by the Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

...

CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1

...

Sec. 104-29-2. - Development standards.

...

(j.) Alternative development standards. After recommendation from the planning commission, the county commission may approve alternative development standards than those found in this section provided the alternative standards are part of a legislatively approved development agreement with a master plan and assist with the implementation of the agreement or master plan.

...

Sec. 104-29-8. - Land uses.

Use	Permitted (P) Conditional (C)
...	
Cluster subdivision excluding bonus density; meeting the requirements of <u>title 108</u> , chapter 3	P
PRUD excluding bonus density; meeting the requirements of <u>title 108</u>, chapter 5	Pursuant to chapter 5
Welcome/information center	P
...	

...

CHAPTER 27. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE.

Sec. 104-27-1. - Definitions.

296 When used in this chapter, the following words and phrases have the meaning ascribed to them in this
297 section, unless the context indicates a different meaning:

298 *Common open space.* The phrase “common open space” means land area in a planned residential
299 unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and
300 driveway areas for common use and enjoyment of the residents of the PRUD.

301 *Common open space easement.* The phrase “common open space easement” means a required right
302 of use granted to the county by the owner of a planned residential unit development, on and over land in a
303 planned residential unit development designated as common open space, which easement guarantees to
304 the county that the designated common open space is permanently reserved for access, parking and
305 recreation and open green space purposes in accordance with the plans and specifications approved by
306 the planning commission and county commission at the time of approval of the PRUD overlay zone or as
307 such plans are amended from time to time with the approval of the county commission.

308 *Planned residential unit development (PRUD).* The phrase “planned residential unit development”
309 means a development in which the regulations of the zone, in which the development is situated, are waived
310 to allow flexibility and innovation in site, building design and location in accordance with an approved overall
311 development plan and imposed general requirements.

312 **Sec. 104-27-2. - Purpose and intent.**

313 (a) A planned residential unit development (PRUD) overlay zone is intended to allow a legislatively
314 adopted overlay zone that provides for diversification in the relationship of various uses and structures
315 to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to
316 encourage new and innovative concepts in the design of neighborhood and housing projects in
317 urbanizing areas. To this end, the development should be planned and entitled as one complete land
318 development. Phasing of the complete land development may occur over time if approved by the
319 county commission and if in compliance with the entitlements of the complete land development.

320 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,
321 after recommendation from the planning commission, the county commission may allow deviations
322 from the purpose and intent of the underlying zone if a proposed PRUD substantially advances the
323 implementation of a significant and meaningful general plan goal, principle, and implementation
324 strategy. Unless specified otherwise in the development agreement or overall development plan,
325 development of a PRUD shall adhere to the applicable regulations and other provisions of this Land
326 Use Code.

327 (c) The county commission may apply any condition of approval reasonably necessary to advance the
328 directives of the general plan or to promote the public health, safety, and general welfare whilst being
329 conscientious of unduly inhibiting the advantages of simultaneously planning large acreages of land
330 in advance of what would otherwise likely be a less organized development pattern of multiple smaller
331 scale developments.

332 (d) If any provision of an approved PRUD overlay zone or related development agreement creates an
333 explicit conflict with any other part of this Land Use Code, the applicability of those other provisions
334 shall be modified to the minimum extent that enables the PRUD overlay zone provisions to apply. An
335 omission from a PRUD overlay zone shall not be construed to be an implicit conflict with any other part
336 of this Land Use Code.

337 **Sec. 104-27-3. - Applicability.**

338 (a) *Effective date.* Except as specified in subsections (c) and (d) of this section, this chapter shall apply to
339 all properties for which the owner submits an application for PRUD approval on or after March 20,
340 2018.

(b) Allowed zones. A planned residential unit development overlay zone may only be considered in the following zones:

(1) Residential estates zones;

(2) Agricultural and agricultural valley zones;

(3) Forest, forest residential, and forest valley zones;

(4) Single-family, two-family and three-family residential zones;

(5) Commercial valley resort recreation zone; and

(6) Residential manufactured home zone.

(c) Nonconforming PRUD. A PRUD for which an application was submitted prior to the date specified in subsection (a) of this section is hereby a nonconforming PRUD. A nonconforming PRUD may be amended from time to time under the same rules that governed its creation, provided that the amendment is a de minimis change that is routine and uncontested. The Planning Director or the Planning Commission has independent authority to determine what constitutes a routine and uncontested de minimus decision. If it is determined to not be routine or uncontested then the applicant shall pursue PRUD overlay zone approval pursuant to this chapter.

(d) Previously existing development agreements. Nothing in this chapter shall be construed to inhibit the entitlements of an approved development agreement executed prior to the date specified in subsection (a) of this section.

Sec. 104-27-4. – Application requirements.

(a) An application for a PRUD overlay zone and development agreement shall be submitted to the Planning Division on a form provided by the Planning Division, together with all accompanying documents, plans, and studies required by this chapter. The application shall contain authorization from all owners of land within the property's legal description. The following are the minimum requirements necessary to submit a complete application:

(1) An overall development plan, complying with the requirements of Section 104-27-5, including the following:

a. A map of the general configuration of the development, together with land tabulations detailing the proposed uses of land for all areas of the project, and proposed lot or parcel development standards;

b. An open space preservation plan, showing proposed uses and parcel development standards;

c. A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;

d. Areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities, if applicable;

e. Proposed architectural design standards, including drawings and sketches demonstrating the proposed design, character, features, and color palette of the proposed development;

f. If in a natural hazards study area or a known natural hazard is present onsite, the application shall include a natural hazards map;

g. Any proposed mappable voluntary contributions, including those proposed in pursuit of density bonuses; and

f. A development phasing plan, if applicable.

(2) A narrative clearly explaining the desired development. The narrative shall also clearly address the considerations listed in Section 104-27-5.

(3) A list of development commitments the applicant is prepared to make with the county, and a list detailing what the development needs from the county. This list will be the initial basis for development agreement negotiation.

(4) Base density calculations, and a tabulation and explanation of requested bonus density.

(5) The legal description for all properties to be included in the overlay zone and development agreement, together with a general vicinity map of the rezone extents.

(6) Additional information as may be necessary to determine that the contemplated arrangement of uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under the land use code.

(b) An application fee shall be paid at the time of application submittal.

Sec. 104-27-5. - General requirements.

(a) Rezoning and development agreement required. Approval of a PRUD overlay zone shall follow the provisions and requirements specified herein in addition to the rezoning provisions of Title 102, Chapter 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual agreement between the developer and the county shall be prepared and readied for execution upon or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly document the county's roles and responsibilities to the developer and the developer's roles and responsibilities to the county, and shall, at a minimum, provide any other provision necessary to effectively execute the flexible provisions of this chapter, or any other provision as may be required by the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle approval of a PRUD overlay zone or associated development agreement.

(b) Overall development plan. The development agreement shall include an overall development plan detailing the proposed development as specified herein. No changes or alterations to the approved overall development plan shall be made without first obtaining an amendment to the development agreement, except for landscaping as provided in subsection (c) of this section. The overall development plan shall provide a desirable layout or, if the specific layout is to be determined later, desirable standards for the following:

(1) Cluster development. All subdivisions within a PRUD overlay zone shall comply with Title 108, Chapter 3, Cluster Subdivisions, except those lot development standards as listed in subsection (4) of this section. The overall development plan shall demonstrate that the development can feasibly comply with the cluster subdivision requirements. Specific deviations from the cluster subdivision requirements may be granted by the county commission, after recommendation from the planning commission, if the deviation offers a better community outcome or better contributes to the implementation of a significant and meaningful general plan goal, principle, or implementation strategy.

(2) Land use configuration. The overall development plan shall show the general locations of proposed land uses including open space areas, and offer a land use inventory specifying approximate land acreage per use.

- (3) Street configuration. The overall development plan shall show, at a minimum, the general location of existing or proposed streets in the development. Streets shall offer efficient and convenient connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of use, and navigation throughout the development. Streets shall offer prioritization of non-motorized transportation. The overall development plan shall show general location of streets stubbing into an adjacent property in at least one location; and as otherwise required to comply with block-width or intersection distance requirements of this land use code. At least two points of access into the development are required if it contains more than 30 residences, or as otherwise required by the local fire or emergency services authorities.
- (4) Lot development standards. The overall development plan shall propose lot or parcel area, lot or parcel width, lot or parcel yard setbacks, lot or parcel coverage and building height regulations for all lots, parcels, and open space areas that will contain development or structures.
- (5) Architecture design. The overall development plan shall provide the general architectural design of buildings and the design's relationship to the site and to development beyond the boundaries of the proposal.
- (6) Off street parking. The overall development plan shall provide for complete off-street parking standards in the event that the parking standards of this land use code are insufficient. Parking areas shall offer prioritization of non-motorized transportation.
- (7) Lighting. The overall development plan shall provide a lighting plan, or provisions for creating a lighting plan, that complies with all requirements of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is incorporated by reference herein as applicable to a cluster subdivision in the Western Weber Planning Area.
- (8) Natural hazards and other constraints. The overall development plan shall show consideration for natural hazards and other environmental constraints, such as floodplains, wetlands, waterways, sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if the site is located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard Areas, or if other environmental constraints exist onsite, a natural hazards map and environmental constraints map, if applicable, shall be included as part of the overall development plan submittal.
- (c) Landscaping plan. The development agreement shall include a landscaping plan that meets or exceeds the landscaping requirements found elsewhere in this land use code.
- (1) The landscape requirements of the Ogden Valley architectural, landscape, and screening design standards, Title 108, Chapter 2, are hereby incorporated herein and applicable in all PRUD overlay zones.
- (2) No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion of the phase represented by the dwelling, may be released.
- (3) Application of the development agreement's landscape plan may be modified during the land use permit or building permit review process provided a more site-specific landscape plan is submitted with the site plan and is stamped by a licensed landscape architect, who shall certify the following:
- a. That the area of landscaping exceeds the approved landscape plan;
- b. That the number and quality of plants exceed the approved landscape plan;

c. That the functional use of vegetation, such as shade from trees or site-screening from bushes, meet or exceed relevant landscaping requirements of the land use code and the intent of the approved landscape plan; and

d. That the portion of landscaping per phase exceeds the portions per phase of the approved plan.

Sec. 104-27-6. - Use permissions and prohibitions.

(a) General uses. All uses specified in the underlying zone are allowed in a PRUD, unless specifically prohibited in the development agreement.

(b) Other small-scale service uses. If a PRUD contains 100 dwelling units or more, other uses may be approved by the county commission, after receiving recommendation from the planning commission, provided that evidence demonstrates that those uses are necessary for the provision of small-scale local neighborhood services to the residents of the development and the immediate surrounding neighborhood. The county commission has legislative discretion to determine what a small-scale local neighborhood service is. The development agreement shall contain provisions for the proposed uses, ownership, operational characteristics, and physical design to assure compliance with this section.

(c) Nightly rentals. Housing units to be used in whole or in part for nightly rentals shall only be allowed in neighborhoods that can support the transient use. Nightly rentals shall only be allowed when their existence substantially advances a general plan goal, principle, and implementation strategy. In the Western Weber Planning Area, nightly rentals require the owner of the property to reside and, for management purposes, be general available onsite for the duration of the nightly rental. PRUD developments that permit nightly rentals shall be clearly declared and provided for in the development agreement.

Sec. 104-27-7. - Area and residential density regulations.

(a) Area and base density. A development in a PRUD overlay zone shall contain at least 24 dwelling units and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units, but the area shall never be less than four acres in any residential zone and ten acres in all other allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a minimum area of 100 acres and provides a common open space easement, as defined in Section 104-27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall memorialize and entitle the base density calculation.

(b) Bonus density.

(1) Western Weber Planning Area bonus density. After recommendation from the planning commission, the county commission may allow for an increased number of residential lots in a PRUD development by awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area in exchange for meaningful public offerings. No more than 50 percent total bonus density shall be awarded to any PRUD development.

a. The following table offers a guide to assist in prioritizing bonus density based on a development's offerings. After recommendation from the planning commission, the county commission has legislative authority to determine final bonus density awarded. At the county commission's discretion, these may be in place of or in addition to the bonuses already available in the cluster subdivision code. Regardless, the development's offerings shall provide a public benefit proportionate to the final awarded bonus density. The development's bonus density offerings and the county's bonus density awards shall be clearly documented and tabulated in the development agreement:

<u>OFFERING</u>	<u>BONUS DENSITY</u>
<u>Roadway landscape design plan.</u> Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:	<u>15 percent.</u>
<u>Public access.</u> A minimum of one approved public access to public lands:	<u>5 percent.</u>
<u>HOA park.</u> An HOA park, open to the general public:	<u>5 percent.</u>
<u>Public park.</u> A park donated to and with the consent of the county, local park district, or other county approved entity:	<u>10 percent.</u>
<u>Public building.</u> Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:	<u>10 percent.</u>
<u>Excess sewer capacity.</u> Development of excess sewage treatment capacity:	<u>3 percent for every 10 percent capacity increase over the development's base density.</u>
<u>Prime agricultural land.</u> Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:	<u>One percent per acre up to 50 percent.</u>
<u>Historic preservation.</u> Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:	<u>5 percent.</u>
<u>Wildlife habitat open space easement.</u> A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:	<u>15 percent.</u>
<u>Small neighborhood commercial.</u> Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a PRUD development with 100 or more dwelling units.	<u>10 percent.</u>
<u>Affordable housing.</u> Affordable housing, in compliance with (1)b. of this subsection b.	<u>10 Percent.</u>

b. Affordable housing bonus. Base density may be increased by ten percent if the development complies with the following:

1. The ten percent additional density is permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990.

2. The additional density is located in the interior of the development, as central as is practicable given site constraints, land uses, open spaces, and street configuration, and is completely surrounded by other dwelling units within the development. Open space may abut a part provided the open space is large enough to offer a sufficient buffer from existing residential uses in the area. The building height is limited to 35 feet or two stories above grade.

3. The development agreement shall offer an effective, efficient, and industry best-practice supported method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and dwelling units to a household with an income at or below 80 percent of the county median income;

4. A final subdivision plat shall identify and label a lot or dwelling unit set aside as an affordable housing lot or dwelling unit, and provide a note on the final subdivision plat explaining the nature of the housing restriction and the method by which occupancy and affordability will be regulated.

(2) Ogden Valley Planning Area bonus density. A PRUD overlay zone should create no new density entitlements in the Ogden Valley. A PRUD overlay zone may be designated as a receiving area for transferrable development rights or a similar density transfer program. The development agreement shall clearly specify the logistics of such a program.

...

Title 106 - SUBDIVISIONS

...

CHAPTER 2. - SUBDIVISION STANDARDS

...

Sec. 106-2-2. - Street and alley widths, cul-de-sacs, easements.

(a) Street dedication. Streets in year round subdivisions shall be dedicated to the county as public streets except that private streets improved to county public street standards may be permitted in ~~planned residential unit developments or~~ condominiums. Mountain land subdivisions in high mountain areas of the county for seasonal recreation and summer homes shall have private streets built to county private street standards for such subdivisions except that the county may require public dedication for major or loop road access purposes.

...

Title 108 - STANDARDS

...

549 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

550 ...

551 **Sec. 108-3-4. –Residential cluster subdivision design and layout standards, generally.**

552 ...

553 (b) *Street configuration.* Streets shall have logical and efficient connections, with block lengths or
554 intersection distances no less than provided in Section 106-2-3.

555 (1) *Western Weber Planning Area Streets.* In the Western Weber Planning Area, streets shall
556 generally follow existing street grid design. Section line streets are mandatory ~~and shall not be~~
557 ~~waived~~ unless, based on the transportation element of the general plan and other plans or studies,
558 the county engineer determines that no street will ever be needed on the particular section line.
559 When practicable, quarter section lines shall denote the general location of other through streets.
560 If current parcel configuration does not make this practicable, a through-street, or stubbed-street
561 that will be a future through-street, shall be located as close to these lines as otherwise reasonably
562 possible.

563 ...

564 **Sec. 108-3-5. - Open space preservation plan.**

565 ...

566 (c) *Open space development standards and ownership regulations.* All open space area proposed to
567 count toward the minimum open space area required by this chapter shall be clearly identified on the
568 open space site plan. The following standards apply to their creation. Open space area in excess of
569 the minimum required by this chapter is exempt from these standards.

570 ...

571 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
572 shall be arranged to create future long-term agricultural opportunities in the following ways:

573 ...

574 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
575 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
576 reach all parts of the area with three or more passes or turns. Generally, this requires the area
577 to be at least 450 wide in any direction at any given point to be considered contiguous. This
578 three turn standard may be reduced by the planning commission for portions of the parcel
579 affected by the following:

580 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
581 impossible;

582 2. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
583 would otherwise be one contiguous open space area if the street did not exist; ~~or~~

584 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
585 realigned, cause an interruption to crop producing capabilities; or

586 4. Due to existing or reasonably anticipated future conditions, not offering the reduction will
587 inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved
588 agricultural parcels.

589 ...

590 **CHAPTER 5. ~~RESERVED.~~ PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

~~Sec. 108-5-1. -- Definitions.~~

~~When used in this chapter, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:~~

~~*Common open space* means land area in a planned residential unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use and enjoyment of the residents of the PRUD~~

~~*Common open space easement* means a required right of use granted to the county by the owner of a planned residential unit development, on and over land in a planned residential unit development designated as common open space, which easement guarantees to the county that the designated common open space and recreation land is permanently reserved for access, parking and recreation and open green space purposes in accordance with the plans and specifications approved by the planning commission and county commission at the time of approval of the PRUD or as such plans are amended from time to time with the approval of the county commission.~~

~~*Planned residential unit development (PRUD)* means a development in which the regulations of the zone, in which the development is situated, are waived to allow flexibility and initiative in site, building design and location in accordance with an approved plan and imposed general requirements.~~

~~Sec. 108-5-2. -- Purpose and intent.~~

~~(a) A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.~~

~~(b) Substantial compliance with the zone regulations and other provisions of this chapter in requiring adequate standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting the advantages of large scale planning for residential and related purposes.~~

~~Sec. 108-5-3. -- Permitted zones.~~

~~A planned residential unit development shall be permitted as a conditional use in all forest, agricultural, residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter set forth shall be applicable if any conflict exists.~~

~~Sec. 108-5-4. -- Use requirements.~~

~~(a) An overall development plan for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common area and other open spaces, etc., may be approved by the planning commission and county commission and building permits issued in accordance with such plan, even though the residential uses and dwelling types and the location of the buildings proposed may differ from the residential uses and dwelling types and regulations governing such uses in effect in the zone in which the development is proposed provided the requirements of this chapter are complied with. Accessory nonresidential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the planning commission provided agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical design to the county's satisfaction are filed by and entered into by the developer to assure that the approved necessary services intent is maintained.~~

~~(b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or~~

alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.

(c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the planning area planning commission and shall be stamped by a licensed landscape architect certifying the following:

(1) That the area of landscaping area exceeds the approved landscape plan;

(2) That the number and quality of plants exceed the approved landscape plan;

(3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and

(4) That all requirements of the Land Use Code have been met.

No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion of the phase represented by the dwelling, may be released.

(d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108, chapter 8, section 2 of this Land Use Code.

Sec. 108-5-5. -- Area and residential density regulations.

(a) A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.

(b) The number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same zone in which the PRUD is located. Land used for schools, churches, other nonresidential service type buildings and uses, for streets and exclusively for access to the useable area of a PRUD shall not be included in the area for determining the number of allowable dwelling units.

(c) Notwithstanding section 108-5-5(b), the county may, at its discretion, allow for an increased number of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to PRUDs located within specific zoning classification boundaries:

(1) In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones, the county may award a maximum bonus density of ten percent based on an accumulation of any combination of the following:

a. If the PRUD provides a minimum of one road stub to an adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation, up to a five percent bonus density may be granted.

b. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent bonus density may be granted.

c. ~~If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or community garden, that are open for use by the general public, up to a five percent bonus density may be granted.~~

d. ~~If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a ten percent bonus density may be granted.~~

(2) ~~In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's adjusted gross acreage as defined in section 101-1-7. However, if the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The county may award bonus densities based on an accumulation of any combination of the following:~~

a. ~~If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.~~

b. ~~For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed by subsection (c)(2).~~

c. ~~If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus density may be granted.~~

d. ~~If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.~~

e. ~~If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary, to a local park district or other county approved entity, for the perpetual location and operation of a public park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.~~

f. ~~If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a bonus density is granted to affordable housing, the applicant shall:~~

1. ~~Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;~~

2. ~~Identify and label, on the final plat, the lots set aside as affordable housing lots; and~~

3. ~~Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.~~

g. ~~If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:~~

1. ~~For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.~~

2. ~~For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.~~

3. ~~For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.~~

4. ~~For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.~~

5. ~~For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.~~

h. ~~If a PRUD provides for the preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value, up to a five percent bonus density may be granted.~~

i. ~~If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent bonus density may be granted.~~

j. ~~If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.~~

k. ~~If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to permanently preserved open space on an adjoining property located outside of the proposed PRUD, up to a 20 percent bonus density may be granted.~~

(d) ~~If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone.~~

(e) ~~It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. Therefore, the planning commission shall determine what part if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD and, when such determination justifies such inclusion, the planning commission shall allow the transfer of units. In making this determination, the planning commission shall be guided by the following factors:~~

(1) ~~The physical relationship of the proposed common areas to the developable areas of the PRUD shall be such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.~~

(2) ~~The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be physically integrated into the development design.~~

(3) ~~The lands must be suitable for and possess the capability for housing development.~~

~~(4) Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones and 30 percent or more in all other zones shall not be classified as developable land and shall not be considered when determining the number of allowable units in a proposed PRUD.~~

~~Sec. 108-5-6. – General requirements.~~

~~(a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.~~

~~(b) The property adjacent to the planned residential unit development shall not be detrimentally affected without the county imposing reasonable conditions or, in the absence of appropriate natural or constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD.~~

~~(c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.~~

~~(d) The county commission may, at its discretion and after receiving a recommendation from the planning commission, consider and approve a plan that provides for ownership, preservation, maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows:~~

~~(1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common areas, individually owned preservation parcels, and the locations of existing and proposed future structures.~~

~~a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.~~

~~b. For open space dedicated as individually owned preservation parcels, the site plan shall identify locatable building envelopes within which all existing and future buildings must be located.~~

~~(2) *Ownership.*~~

~~a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium Ownership Act, or § 57-8a-101 et seq., the Community Association Act.~~

~~b. Other open space parcels, consisting of five acres or more, may be owned individually.~~

~~1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.~~

~~2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same PRUD.~~

~~3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:~~

i.—An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and

ii.—A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.

iii.—A notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.

~~(3)—Preservation.~~

a.—Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.

b.—The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).

c.—If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.

d.—If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:

1.—Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;

2.—Further identify each preservation parcel by placing a unique identifying letter of the alphabet immediately after the label;

3.—Present an agricultural, forest, or other type of preservation easement to the county and gain its approval; and

4.—Record an approved preservation easement on each parcel identified as an agricultural, forest, or other type of preservation parcel.

e.—The county may impose any additional conditions and restrictions it deems necessary to ensure maintenance of the open space and adherence to the open space preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

~~(4)—Guarantee of open space improvements.~~

a.—The county shall not require an applicant to deposit a financial guarantee for open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete the improvements according to the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and

~~record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.~~

~~b.—The county shall require an applicant to deposit a financial guarantee for all open space improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete all improvements according to the approved phasing component of an open space preservation plan.~~

~~(5)—Maintenance. The open space parcel owner, whether an individual or an association, shall use, manage, and maintain the owner's parcel in a manner that is consistent with the open space preservation plan approved under subsection (1), and the agriculture, forest, or other type of preservation easement executed under subsection (3).~~

~~Sec. 108-5-7.— Submission of application.~~

~~(a)—An application for a planned residential unit development shall be to the planning commission and shall be accompanied by an overall development plan, including an open space preservation plan, showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities, areas reserved and proposals for accommodating vehicular and pedestrian circulation, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.~~

~~(b)—Additional information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.~~

~~Sec. 108-5-8.— Planning commission consideration.~~

~~In considering the proposed planned residential unit development, the planning commission shall consider:~~

~~(1)—The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.~~

~~(2)—Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.~~

~~(3)—The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.~~

~~(4)—Lighting and the size, location, design, and quality of signs.~~

~~(5)—The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.~~

~~(6)—The demonstrated ability of the applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.~~

~~Sec. 108-5-9.— Planning commission action.~~

~~The planning commission, after considering applicable codes and any anticipated detrimental effects, may recommend an approval, recommend an approval with conditions, or recommend denial of the PRUD to the county commission.~~

~~Sec. 108-5-10. -- County commission action.~~

~~The county commission, after holding a public meeting, may approve or disapprove the application for a PRUD. If approving an application, the county commission may attach conditions as it may deem necessary to secure the purposes of this chapter. Approval of the county commission, together with any conditions imposed, constitutes approval of the proposed development as a conditional use in the zone in which it is proposed.~~

~~Sec. 108-5-11. -- Land use permit issuance.~~

~~The planning division shall not issue any land use permit for any proposed building, structure, or use within the project unless such building, structure, or use complies with the approved plans and any conditions imposed. Approved development plans shall be filed with the planning division, building inspector and county engineer.~~

~~Sec. 108-5-12. -- Time limit.~~

~~Unless substantial action has been taken, leading toward completion of a PRUD or an approved phase thereof, within a period of 18 months from the date of approval, the approval shall expire unless an extension, not to exceed six months, is approved by the planning director. Upon expiration, the land and structures thereon, if any, may be used for any other permitted use in the zone in which the project is located. Reserved open space shall be maintained where necessary to protect and blend existing structures into alternate land use proposals after abandonment of a project.~~